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HOUSE BILL 1131

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

KIP W. NICELY

AN ACT

RELATING TO PRIMARY ELECTIONS; PROVIDING FOR THE VOTING IN
PRIMARY ELECTIONS OF REGISTERED QUALIFIED ELECTORS WHO DECLINE
TO DESIGNATE A PARTY AFFILIATION; AMENDING AND ENACTING SECTIONS
OF THE ELECTION CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Election Code is enacted
to read:

"~~[NEW MATERIAL]~~ PRIMARY ELECTIONS--PERSONS WHO DECLINE TO
STATE PARTY AFFILIATION ALLOWED TO VOTE. --Any registered
qualified elector whose certificate of registration declines to
designate a party affiliation shall be given a choice in a
primary election to designate which political party nominating
primary he wishes to vote in and shall be given access to a
ballot containing the names of those candidates for nomination

Underscored material = new
[bracketed material] = delete

1 of that party and shall be permitted to cast his vote in the
2 primary election for nomination of candidates of that designated
3 political party at the precinct polling place, by absentee
4 ballot or at the office of the county clerk by absentee early
5 voting. "

6 Section 2. Section 1-5-10 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 112, as amended) is amended to read:

8 "1-5-10. VOTER LISTS--SIGNATURE ROSTERS--USE DURING
9 ELECTION.--

10 A. Each precinct board using voter lists shall post
11 securely at or near the entrance of the polling place one copy
12 of the voter list for use of the voters prior to voting. The
13 posted copy shall not contain a listing of voter social security
14 numbers.

15 B. The presiding judge of the precinct board shall
16 assign one judge of the board to be in charge of one copy of the
17 voter list, which shall be used to confirm the registration and
18 voting of each person offering to vote.

19 C. The presiding judge of the precinct board shall
20 assign one election clerk to be in charge of the signature
21 roster.

22 D. The judge assigned to the voter list used for
23 confirmation of registration and voting shall determine that
24 each person offering to vote is registered and, in the case of a
25 primary election, that [such] the voter is registered in a party

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1 designated on the primary election ballot or has declined to
2 designate a party affiliation. If the person's registration is
3 confirmed by the presence of his name on the voter list or if
4 the person presents a certificate under the seal and signature
5 of the county clerk showing that he is entitled to vote in the
6 election and to vote in that precinct, [~~then~~] the judge shall
7 announce to the election clerks the list number and the name of
8 the voter as shown on the voter list.

9 E. The election clerk shall locate that list number
10 and name on the signature roster and shall require the voter to
11 sign his usual signature or, if unable to write, to make his
12 mark opposite his printed name. If the voter makes his mark, it
13 shall be witnessed by one of the judges of the precinct board.

14 F. No voter shall be permitted to vote until he has
15 properly signed his usual signature or made his mark in the
16 signature roster.

17 G. After the poll is closed, the election clerk in
18 charge of a signature roster shall draw a single horizontal line
19 in ink through each signature space in the signature roster
20 where no signature or mark appears. "

21 Section 3. Section 1-5-12 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 114, as amended by Laws 1993, Chapter 314,
23 Section 37 and also by Laws 1993, Chapter 316, Section 37) is
24 amended to read:

25 "1-5-12. VOTER WHOSE NAME IS NOT ON LIST OR ROSTER. --

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1 A. A voter whose name does not appear on the voter
2 list and signature roster for the precinct in which he offers to
3 vote shall be permitted to vote in [~~such~~] the precinct, provided
4 the voter meets the requirements specified in the Election Code
5 for voting on a voter's copy of a certificate of registration,
6 or has in his possession a certificate of eligibility bearing
7 the seal and signature of the county clerk stating that the
8 voter's original certificate of registration is in the county
9 register of that county wherein [~~such~~] the precinct is located.

10 B. The election clerks in charge of the signature
11 rosters shall add the voter's name and address in ink to the
12 signature roster on the line immediately following the last
13 entered voter's name and the voter shall be allowed to cast his
14 ballot, provided he has first signed or marked both rosters.

15 C. The voting machine public counter number or the
16 ballot number for the voter shall be entered on his certificate
17 of eligibility or copy of his certificate of registration. The
18 certificate of eligibility or voter's copy of his certificate of
19 registration shall be retained by the precinct board and
20 returned to the county clerk with the election returns.

21 D. [~~Such~~] A certificate of eligibility shall be
22 valid for use only in the precinct and for the election and date
23 specified thereon.

24 E. In a primary election, a voter whose party
25 affiliation is not shown on the certificate of eligibility or

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1 copy of his certificate of registration shall not be permitted
2 to receive or cast a ballot unless the certificate of
3 eligibility or the certificate of registration indicates that
4 the voter has declined to designate a party affiliation. No
5 voter shall be permitted to vote for a candidate of a party
6 different from the party designation shown on his certificate of
7 eligibility or the copy of his certificate of registration. A
8 voter whose certificate of eligibility or certificate of
9 registration indicates that the voter has declined to designate
10 a party affiliation shall be permitted to vote for a candidate
11 of a party of his choice.

12 F. No verbal authorization from the county clerk to
13 allow a person to vote [~~under this section~~] shall be permitted. "

14 Section 4. Section 1-12-7 NMSA 1978 (being Laws 1969,
15 Chapter 240, Section 246, as amended by Laws 1993, Chapter 314,
16 Section 54 and also by Laws 1993, Chapter 316, Section 54) is
17 amended to read:

18 "1-12-7. CONDUCT OF ELECTION--PERSONS NOT PERMITTED TO
19 VOTE.--

20 A. No person shall vote in any primary, general or
21 statewide special election unless he is a voter of the precinct
22 in which he offers to vote. A valid original certificate of
23 registration in the county register is prima facie evidence of
24 being a voter in the precinct.

25 B. Except as provided in Section 1-5-12 NMSA 1978,

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1 no person shall vote in any primary election whose party
2 affiliation is not designated on his original certificate of
3 registration.

4 C. Except as provided in Section 1-5-12 NMSA 1978,
5 no voter at any primary election shall be permitted to vote for
6 the candidate of any party other than the party designated on
7 his original certificate of registration at the time the
8 governor issues the primary election proclamation.

9 D. No person shall vote in any primary, general or
10 statewide special election whose name and certificate of
11 registration number appears on the list of voters purged from
12 the rolls. The list shall be placed with the signature rosters
13 and delivered to the polls with the other election supplies by
14 the county clerk and shall consist of those voters in the
15 precinct purged since the last preceding general election. "